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SUBJECT: DEFENSE MINISTRY, MILITARY FACE OFF OVER ARCHIVES OF  
"DISAPPEARED"

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¶1. (C) Summary: After a nine-month standoff, Bolivian military leadership on February 17 again refused to allow a civilian investigator access to archives said to contain information regarding approximately 150 persons "disappeared" during Bolivia's military dictatorship period. Minister of Defense Ruben Saavedra had assured the public that the investigator would have free access to the archives, but at the last minute Armed Forces Commander in Chief General Ramiro de la Fuente denied access. This case highlights a long-simmering conflict between the judiciary and the military over the judiciary's authority to review classified military data and indicates the limits of the Morales administration's ability to penetrate a closely-knit institution. End summary.

#### Military Denies Investigator Access to Archives

¶2. (U) In a public showdown following nine months of posturing between the Ministry of Defense, the judiciary, and the Bolivian military, Armed Forces Commander General Ramiro de la Fuente on February 17 defied a court order giving investigator Milton Mendoza full access to military archives said to contain information on up to 156 persons "disappeared" during the military dictatorships of Generals Hugo Banzer and Luis Garcia Meza. Mendoza led a group, including the government's human rights ombudsman and relatives of the disappeared, to the doors of the military's headquarters to gain access to the archives. However, after an hour-long discussion with De la Fuente, he was turned away.

¶3. (U) De la Fuente later told the press that the archives were voluminous and "needed to be put in order," but that he would guarantee delivery (to a judge, not Mendoza) of pertinent information by February 26. He said the information would include the roster of the military leadership in July and August of 1980, when Bolivian socialist leader Marcelo Quiroga Santa Cruz and others were killed.

¶4. (U) In reply, Mendoza and others gave a stinging critique of the military's actions. Mendoza called it a "complete non-starter, an evasion of a judicial order, an evasion of the public investigator's duties" and promised to get a court order within 24 hours showing De la Fuente was in contempt of court and compelling him (and the military) to abide by the original terms of the

judicial order. The human rights ombudsman said the action was "very disturbing" adding, "we know the military has a historic debt and much to say [about the disappeared], and there is no reason whatsoever for them to deny the investigator access to the archives."

15. (U) De la Fuente cited Article 98 of the Armed Forces Law, which states that information related to the personnel of the armed forces is considered "secret and inviolable," to be breached only by formal court order. De la Fuente appeared to use the law as a pretext to deliver information only to a judge, not to Mendoza, even though he had a court order. Mendoza labeled the stance as nothing more than a delay tactic. He also clarified that he sought much more than just the roster of military personnel De la Fuente promised to deliver. Mendoza said: "Any information the military releases will likely be biased and incomplete, based on their latest actions."

#### Military Defies Defense Ministry

16. (U) In denying access, General De la Fuente directly contradicted Defense Minister Ruben Saavedra, who had assured the press and the public only moments before Mendoza's arrival that the military would abide by the terms of the judicial order. "In the spirit of democracy," he said, "the government has the complete desire to make access to such information transparent." On May 19, 2009, then-Defense Minister Walker San Miguel issued a ministerial directive to the military authorizing "the commander in chief of the armed forces to facilitate access to families and victims of the military dictatorships to the archives, public registries, and other relevant documentation." However, the military leadership at

that time stated that it would not release information without a court order, beginning the nine-month standoff.

#### A History of Lack of Access

17. (SBU) The Bolivian military has a history of cooperating slowly, if at all, with civilian investigators. Military leadership is alleged to have slowed or denied access to records related to February and October 2003 cases in which up to nine military officers -- several reportedly in the high command -- allegedly murdered civilians during the period of unrest that led to then-President Sanchez de Lozada's resignation. Several other cases regarding the potential use of excessive force by Bolivian security forces, including the 2006 and 2007 shootings of Santiago Orocondo, Rimbert Guzman, Celestino Ricaldis, Herman Ruiz, and Oscar Flores, have stalled in part for lack of civilian access to military records.  
Creamer